

# **EXHIBIT A**



June 2, 2005

VIA FIRST CLASS MAIL AND FACSIMILE (617-832-7000)

Gabriel M. Helmer  
Foley & Hoag LLP  
Seaport World Trade Center West  
155 Seaport Blvd.  
Boston, MA 02210-2600

RE: *Capital Records, Inc., et al. v. Fitzpatrick Civil Subpoena*

Dear Mr. Helmer:

Charter Communications ("Charter") is in receipt of a subpoena dated May 24, 2005 requesting information regarding the records of Jim Fitzpatrick. Charter is prohibited from identifying any records based on the information provided in the subpoena. In civil cases, Section 631 of the Cable Act, 47 U.S.C. §551, prohibits Charter from disclosing the records of any subscriber without the consent of the subscriber or a court order. *See In re Charter Communications, Inc., Subpoena Enforcement Matter*, 393 F.3d 771 (8<sup>th</sup> Cir. 2005).

Should you need to request additional records in the future, please be advised that Charter will be unable to respond unless you follow the provisions of Section 631.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christin S. McMeley'. The signature is fluid and cursive, with a large, sweeping 'C' at the beginning.

Christin S. McMeley  
Chief Privacy Attorney and Senior Counsel, Litigation